

### Remarks

Entry of the foregoing and reconsideration of the application identified in caption as amended, pursuant to and consistent with the Rules of Practice in Patent Cases, and in light of the remarks which follow, is respectfully requested.

By the present amendment, claims 1, 7, and 12 have been amended so that claims 1-16 will remain pending upon entry of the present amendment. Support for the amendments to the claims can be found in the specification at least at paragraphs 29 and 30.

The title of the invention has been amended to a more descriptive title. Accordingly, withdrawal of the objection to the title of the invention is requested. Further, the specification has been amended to capitalize the trademarks which are accompanied by generic terminology. Withdrawal of the objection to the specification is also requested.

Claims 1-5 and 7-11 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,497,573 to Wagner et al. ("Wagner") in view of U.S. Patent No. 6,250,922 to Bassett et al. ("Basset"). This rejection is respectfully traversed.

Wagner discloses a dental restorative system that includes a prosthesis, an implant fixed to the patient's jaw, as well as an implant abutment including a core and a cuff surrounding the core. The abutment is fixed to the implant and the prosthesis is fixed to the abutment. The abutment core is made from a metallic material, titanium or a titanium alloy. The cuff and the prosthesis are both made from polymeric materials. However, as the Examiner notes, Wagner does not disclose a cuff which is colored to match the color of the prosthesis.

Bassett discloses a two-piece dental abutment having a cuff portion that is removable from an upper portion. Bassett discloses, at column 2, lines 42-45, that "the cuff may be colored or have a coating, such as porcelain. This coloring or coating could be separate from the upper portion and would enhance the aesthetics of the abutment." Bassett discloses, at column 4, lines 55-57, that "the old cuff may be replaced with one that is coated, colored, or painted to camouflage the abutment in the mouth." Accordingly, Bassett does not disclose or teach a cuff that is colored to "match the prosthesis", as suggested by the examiner.

The disclosure in Bassett of coloring the cuff "separate from the upper portion" to "enhance the aesthetics of the abutment" is not a teaching or suggestion of matching the color of the cuff to the color of the prosthesis in accordance with a dental shade

guide color. As set forth in the present application, at paragraph 29, a restoration is generally fabricated in more than one color shade, typically with a darker shade at the gingival surface and a brighter shade at the top. There is no suggestion in the prior art to color match the prosthesis, such as choosing a shade guide color that most closely matches the prosthesis. As is noted within the Bassett specification, enhancing the aesthetics of the abutment can have various meanings, such as sizing the cuff to accommodate for receding tissue around the prosthesis, as set forth in column 5, line 65 through column 6, line 2. Aesthetics also includes a different shape, size, coating or composition, see column 5, lines 62-64. However, color-matching the cuff to the prosthesis is not mentioned as an aesthetic advantage.

Further, the teaching of coloring the cuff to “camouflage the abutment in the mouth” is not a teaching or suggestion to color match the prosthesis by choosing a shade guide color that most closely matches the prosthesis. Rather, “camouflage” typically means to make indistinguishable from the surrounding environment. In this case, Bassett suggests to coat, color, or paint the cuff to make it indistinguishable in the mouth. The mouth includes a variety of tissue such as the cheek, gums, and tongue. Accordingly, there is no suggestion or disclosure to match the color of the dental prosthesis in accordance with a dental shade guide color.

Withdrawal of the record rejection under 35 U.S.C. § 103(a) as being obvious over Wagner in view of Bassett and allowance of claims 1-5 and 7-11 is respectfully requested.

Claims 6 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Wagner, Bassett, and U.S. Patent No. 6,039,568 to Hinds. This rejection is respectfully traversed.

Hinds teaches a ceramic prosthesis used in conjunction with an implant and abutment system. As such, Hinds fails to make up for the color-matching deficiencies noted above with respect to the Wagner and Bassett references. Accordingly, claims 6 and 11 are patentable over the cited references for at least the reasons noted above with respect to claims 1 and 7, respectively.

Withdrawal of the record rejection under 35 U.S.C. § 103(a) as being obvious over the combination of Wagner, Bassett, and Hinds and allowance of claims 6 and 11 is respectfully requested.

Claims 12-16 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Wagner, Bassett, Hinds and U.S. Patent No. 6,368,103 to Locante et al. ("Locante"). This rejection is respectfully traversed.

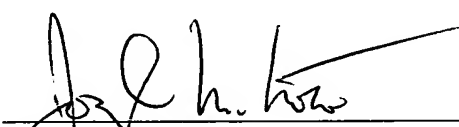
Locante is cited for teaching the conventional method of fixing an implant, abutment, and prosthesis in a patient. As such, Locante fails to make up for the color-matching deficiencies noted above with respect to the Wagner, Bassett, and Hinds references. None of these references teaches or suggests the step of matching the color of the dental prosthesis to the color of a dental shade guide and fabricating the cuff to match the color of the selected dental shade guide. Accordingly, for at least the reasons noted above, claims 12-16 are similarly allowable.

Withdrawal of the record rejection under 35 U.S.C. § 103(a) as being obvious over the combination of Wagner, Bassett, Hinds and Locante and allowance of claims 12-16 is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is hereby earnestly solicited.

Respectfully submitted,

Date: May 1, 2006

  
\_\_\_\_\_  
Joseph M. Noto  
Registration No. 32,163

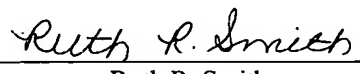
NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1601  
Facsimile: (585) 263-1600

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) \_\_\_\_\_.

May 1, 2006  
Date

  
\_\_\_\_\_  
Ruth R. Smith